

REMARKS

Reconsideration is respectfully requested.

Telephonic Interview

Applicants wish to thank the Examiner for granting the telephonic interview conducted on July 24, 2008. During the interview, applicants' undersigned representative discussed the claimed subject matter and the manner in which it distinguishes over the Matheny reference. The Examiner queried whether claim 1 could still be construed as covering the operation of Matheny where all of the agents are collectively assigned a subset of their collective discovery capabilities (such as a limited address range), even though the discovery assignments are overlapping. Applicants' undersigned representative suggested incorporating the subject matter of claim 2 into claim 1, eliminating the qualifier "substantially" in the recitation of "non-overlapping," and clarifying that the non-overlapping discovery assignments result in no network device being discovered more than once by different discovery agents and no duplicate discovery information being generated. Applicant's undersigned representative advised that this proposed claim language distinguishes the subject matter of claim 1 from the express disclosure in lines 3-5 of Matheny's paragraph [0025] that "[t]he same device may be discovered multiple times, by different discovery agents." The proposed claim language also distinguishes the claimed subject matter from Matheny's claim 1, which recites that the discovery data includes "two or more duplicate data entries," which requires "removing all but one of the duplicate data entries from the discovery document." The Examiner acknowledged that applicants' proposed amendments appeared to distinguish claim 1 over Matheny, subject to further consideration and/or search.

Claim Amendments

In this Amendment, applicants have amended claims 1 and 17 and canceled claim 2. Applicant is not conceding that the subject matter encompassed by claims 1, 2 and 17 prior to this Amendment is not patentable over the art cited by the Office. Claims 1 and 17 were amended and claim 2 was canceled in this Amendment solely to facilitate expeditious prosecution of the application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1, 2 and 17, as presented prior to this Amendment and additional claims in one or more continuing applications.

Claim Rejections – 35 U.S.C. 101

This rejection is addressed in the amendment filed on June 18, 2008. Based on the telephonic interview, it appears that the Examiner is in agreement that this rejection may now be withdrawn based on the express recitation of hardware (“processing node”) in the claims.

Claim Rejections – 35 U.S.C. § 102

This rejection may now be withdrawn in view of the amendments to claim 1. In addition, claim 17 was also amended to recite that the discovery queries utilize “non-overlapping discovery assignments, such that no network device is discovered more than once by different discovery agents and no duplicate discovery information is generated.” Thus, claim 17 should also be allowable over Matheny.

Patentability arguments with respect to dependent claims 2-5 are set forth in the amendment filed on June 18, 2008, and provide further grounds for allowance of those claims.

In view of the foregoing, Applicants respectfully request that all rejections be withdrawn and that Notices of Allowability and Allowance be issued.

Respectfully submitted,

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